

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PERRY STEVENSON,
COURTNEY BUDIMLIJA,
ROBERT E. FIELD, JR., and
RICHARD MORRIS

Plaintiffs,

V.

EMBASSY, INC.,
KHOSROW “TONY” NOURI,
RANKIN ROAD, INC., and
KAMAL DARVISHI,

Defendants.

CIVIL ACTION NO. _____

PLAINTIFFS' ORIGINAL COMPLAINT

SUMMARY

1. Defendants employed Plaintiffs as managers, disc jockeys, and/or maintenance personnel at an adult entertainment club in Houston, Texas known at Houston Dolls Cabaret. Defendants refused to compensate these employees at the applicable minimum wage and overtime rates of pay required by Federal law.

2. Instead, Defendants compensated Plaintiffs a fixed sum, typically \$75 to \$100 for each shift worked, regardless of the number of hours worked per workweek and even if the Plaintiffs' regular rate of pay fell below the minimum wage.

3. Plaintiffs file suit to recover unpaid minimum wage and overtime compensation.

JURISDICTION & VENUE

4. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. §1331.

5. This Court is a proper venue for this action because a substantial part of the relevant conduct occurred here.

PARTIES

6. Plaintiff Perry Stevenson is a resident of Houston, Texas and was employed, at various times, by Defendants. His written consent to participate in this collective action is filed with the Court as Exhibit “A”, attached hereto.

7. Plaintiff Courtney Budimlija is a resident of Houston, Texas, and was employed, at various times, by Defendants. His written consent to this action is attached as Exhibit “B.”

8. Plaintiff Robert E. Field, Jr. is a resident of Houston, Texas and was employed, at various times, by Defendants. His written consent to this action is attached as Exhibit “C.”

9. Plaintiff Richard Morris is a resident of Tomball, Texas and was employed, at various times, by Defendants. His written consent to this action is attached as Exhibit “D.”

10. Defendant Embassy, Inc. d/b/a Houston Dolls Cabaret is a domestic for-profit corporation in the State of Texas. This defendant may be served by serving its registered agent Jaakko Talvitie at 7301 RR 620 N, Suite 155, Box 356, Austin, Texas 78726.

11. Defendant Khosrow Nouri, a.k.a. Tony Nouri, is an individual residing in Houston, Texas. This defendant may be served at 313 Rankin Road, Suite H, Houston, Texas 77073.

12. Defendant Rankin Road, Inc. is a domestic for-profit corporation in the State of Texas. Rankin Road, Inc. is an owner of Houston Dolls Cabaret. This Defendant may be served by serving its registered agent Kamal Darvishi at 6100 Westheimer Suite 144, Houston, Texas 77057.

13. Defendant Kamal Darvishi is an individual residing in Houston, Texas. This defendant may be served at 6100 Westheimer, Suite 144, Houston, Texas 77057.

COVERAGE

14. Each Defendant has acted, directly or indirectly, in the interest of an employer or joint employer with respect to Plaintiffs.

15. Each Defendant is an employer within the meaning of Section 3(d) of the FLSA.

16. Each Defendant is an enterprise engaged in commerce or the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA in that each Defendant has had employees engaged in commerce or the production of goods for commerce or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person.

17. Each Defendant's annual gross volume of sales made or business done, exclusive of excise taxes, exceeds the minimum required for FLSA enterprise coverage.

18. Plaintiffs were individuals engaged in commerce or in the production of goods for commerce as required by Sections 206-207 of the FLSA.

19. Defendants Khosrow Nouri, a.k.a. Tony Nouri (“Nouri”) and Kamal Darvishi (“Darvishi”) are the owners and operators of the adult entertainment club Houston Dolls Cabaret at which Plaintiffs were employed.

FACTS

20. Defendants employed Plaintiffs as managers, disc jockeys, or maintenance personnel at the adult entertainment club in Houston, Texas known as Houston Dolls Cabaret.

21. Plaintiffs were not paid on a salary basis.

22. Instead, Defendants compensated Plaintiffs a fixed sum, typically \$75 to \$100 for each shift worked, regardless of the number of hours worked per workweek and even if the Plaintiffs’ regular rate of pay fell below the minimum wage.

23. Plaintiffs and Class Members regularly worked overtime hours for which they received no overtime premium pay.

CAUSES OF ACTION

24. Plaintiffs re-allege and incorporate by reference the facts set forth above.

25. Defendants’ failure to pay minimum wage and overtime premiums to Plaintiffs violates the FLSA. 29 U.S.C. §§ 206, 207.

26. Defendants’ failure to keep accurate records of the hours that Plaintiffs worked violates the FLSA.

27. Defendants knew or should have known that their policies and practices violate the FLSA.

28. Defendants have not made a good faith effort to comply with the FLSA.

29. Rather, Defendants have knowingly, willfully, and/or with reckless disregard, carried out, and continue to carry out their illegal practices.

PRAYER

WHEREFORE, Plaintiffs respectfully request judgment be entered in their favor awarding Plaintiffs:

- a. the applicable minimum wage for all hours worked;
- b. time-and-one-half the higher of the minimum wage or the regular rate of pay for all overtime hours worked;
- c. an amount equal to unpaid minimum wages and overtime premiums as liquidated damages as allowed under the FLSA;
- d. reasonable attorney's fees, costs, and expenses of this action as provided by the FLSA;
- e. pre-judgment and post judgment interest at the highest rates allowed by law; and
- f. such other relief as to which Plaintiffs may be entitled.

Respectfully submitted,

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